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6 UNITED STATES BANKRUPTCY COURT  
7 EASTERN DISTRICT OF CALIFORNIA  
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9 In re ) Case No. 05-28398-C-7  
10 GLEN DEE PIERCE, ) MC No. JMS-1  
11 Debtor. )  
12 \_\_\_\_\_ )

13 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**  
14 **ON MOTION FOR RELIEF FROM AUTOMATIC STAY**

15 These findings of fact and conclusions of law are  
16 rendered in this contested matter pursuant to Federal Rule of  
17 Civil Procedure 52 as incorporated by Federal Rules of  
18 Bankruptcy Procedure 7052 and 9014. Evidence was taken  
19 pursuant to Federal Rule of Civil Procedure 43(e), as  
20 incorporated by Federal Rule of Bankruptcy Procedure 9017 and  
21 as invoked by Local Bankruptcy Rule 9014(e).  
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23 Jurisdiction

24 Jurisdiction is founded upon 28 U.S.C. § 1334. This is  
25 a core proceeding. 28 U.S.C. § 157(b)(2)(G).  
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Findings of Fact

Debtor filed his voluntary chapter 7 petition on July 11, 2005. He scheduled real property commonly known as 1895 Grand Avenue, Oroville, California ("property") as property of the estate. The first meeting of creditors was held on August 12, 2005. The chapter 7 trustee filed a report finding that there is no property available for distribution from the estate over and above that exempted by the debtor. The court observes that debtor was discharged from all dischargeable debts on December 20, 2005.

On April 26, 2006, Wells Fargo Bank, NA ("movant") filed a motion, notice, and declaration requesting that this court vacate the automatic stay to permit movant to foreclose upon the property. The fair market value of the property is approximately \$100,000. Movant has a lien on the property in the approximate amount of \$63,259.49. The court is not aware of any other liens against the property. Upon review of the record, the court determined that the written record was adequate and that no oral argument is necessary.

Conclusions of Law

The automatic stay of acts against debtors in personam and of acts against property other than property of the estate continues until the earliest of the time when the bankruptcy case is closed, dismissed, or an individual in a chapter 7 case is granted a discharge. 11 U.S.C. § 362(c). The automatic stay may be terminated earlier if debtors fail to protect the secured party's interest adequately, § 362(d)(1), and, with

1 respect to a stay of an act against property, debtors do not  
2 have equity in the property, § 362(d)(2)(A), and the property  
3 is not necessary to an effective reorganization. 11 U.S.C. §  
4 362(d)(2)(B). The issue of whether the property is necessary  
5 to an effective reorganization is not considered in a chapter 7  
6 case because no reorganization is contemplated in a chapter 7  
7 case.

8 Because the debtor was granted a discharge, the motion  
9 for relief from the automatic stay is moot as to the debtor.  
10 Thus, the motion will be denied.

11 However, because the chapter 7 trustee filed a no asset  
12 report, and filed no opposition to the motion, the motion will  
13 be granted as to the trustee.

14 An appropriate order will issue.

15 Dated: May 31, 2006

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18 UNITED STATES BANKRUPTCY JUDGE  
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CERTIFICATE OF SERVICE

On the date indicated below, I served a true and correct copy(ies) of the attached document by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed and by depositing said envelope in the United States mail or by placing said copy(ies) into an interoffice delivery receptacle located in the Clerk's Office.

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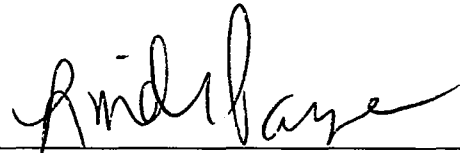
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Dated:

6/2/04



Deputy Clerk